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7                   UNITED STATES DISTRICT COURT  
8                   WESTERN DISTRICT OF WASHINGTON  
9                   AT SEATTLE

10                   TIMTU WOLDEMARIAM, Parent and  
11                   Guardian on behalf of EZANA KIDANE, a  
12                   Disabled Student,

13                   v.

14                   Plaintiff(s),

15                   SEATTLE SCHOOL DISTRICT, a  
16                   Washington Municipal Corporation,

17                   Defendant(s).

18                   NO. 2:19-cv-00299-RSM

19                   STIPULATED MOTION AND ORDER TO  
20                   CONTINUE TRIAL DATE AND MODIFY  
21                   CASE SCHEDULE

22                   I. INTRODUCTOIN

23                   The parties hereby agree and request that this Court issue an order continuing the  
24                   discovery cutoff date from February 3, 2020, to April 27, 2020, continue the trial from June 1,  
25                   2020, to August 31, 2020, and to issue a new case schedule continuing all other deadlines. A  
continuance will allow the parties to continue with efforts to resolve the case while limiting further  
fees and costs associated with completing discovery on claims which include fee-shifting  
provisions. Good cause warrants the continuance of these deadlines because a continuance will  
improve the prospect of resolution.

STIPULATED MOTION AND ORDER TO CONTINUE  
TRIAL DATE AND MODIFY CASE SCHEDULE - 5  
NO. 2:19-cv-00299-RSM

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## **II. FACTUAL BACKGROUND**

The discovery cutoff date in this case is currently set for February 3, 2020 and the trial date is June 1, 2019. The parties have been working diligently and cooperatively to complete all necessary discovery prior to that date. Currently, the parties are scheduling seven upcoming depositions (two lay witnesses and two expert witness depositions requested by plaintiff; one lay witness and two expert witness depositions requested by defendant) over the next several weeks to be completed prior to the discovery cutoff.

This claim was mediated unsuccessfully prior to suit being filed. Following the recent deposition of Plaintiff's Guardian, Timtu Woldemariam, on January 9, 2020, the parties discussed settlement discussion status and agreed the upcoming seven depositions would result in additional fees and costs incurred to both parties, but which could be shifted solely onto defendant if plaintiff prevails because this case involves state and federal statutory claims with fee-shifting provisions.

Should the Court grant the requested continuance, the parties intend to postpone these depositions while continuing efforts to resolve the case. The parties are in agreement that the requested continuance would limit fees and costs incurred by both parties, allow additional time for productive settlement negotiations, and thereby improve the prospect of resolution of this case. Defense counsel currently have other trials set for August 17, 2020, and September 13, 2020, in King County Superior Court. Plaintiff's counsel has a trial scheduled for August 3, 2020 in King County Superior Court.

### **III. ARGUMENT AND AUTHORITY**

Pursuant to Fed. R. Civ. P. 16(b)(4), LCR 16(b)(4), and the Court's Order Setting Trial Date and Related Dates (Dkt. 13), a scheduling order may only be modified for good cause and with the Judge's consent.

1       The discovery cutoff date currently set adversely impacts the prospects of settlement  
2 because this is a case involving statutory claims with fee shifting provisions. Allowing the  
3 discovery cutoff date to be continued will allow the seven upcoming depositions to be postponed,  
4 thereby limiting fees and costs incurred by both parties, but which could potentially be shifted  
5 solely to defendant if plaintiff prevails. Limiting further fees and costs by allowing time to postpone  
6 these depositions significantly improves the potential that this case will settle.

7       The parties agree that the requested continuance of the discovery cutoff date, the trial  
8 date, and all other related deadlines, would improve the prospect of resolution of this case and  
9 constitutes good cause to modify the case schedule.

10                          **IV. CONCLUSION**

11       For the reasons stated herein, the parties respectfully request that the Court continue the  
12 discovery cutoff date, trial date, and adjust all other case schedule deadlines accordingly.  
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14       DATED this 14<sup>th</sup> day of January, 2020.

15                          PREG O'DONNELL & GILLETT PLLC  
16

17       By s/ Mark F. O'Donnell  
18                          Mark F. O'Donnell, WSBA #13606  
19                          Karen L. Phu, WSBA #42136  
                        Attorneys for Defendant Seattle School  
                        District

20       DATED this 14<sup>th</sup> day of January, 2020.

21                          LAW OFFICE OF SUSAN MINDENBERGS  
22

23       By s/ Susan B. Mindenbergs  
24                          Susan B. Mindenbergs, WSBA #20545  
                        Attorneys for Guardian and Parent, Timtu  
                        Woldemariam Plaintiff Ezana Kidane  
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## ORDER

2 THIS MATTER having come before the Court on the foregoing Stipulated Motion and  
3 Order to Continue Trial Date and Modify Case Schedule, and upon finding good cause to warrant  
4 the relief requested,

**IT IS SO ORDERED:**

1. The Stipulated Motion and Order to Continue Trial Date and Modify Case Schedule is granted;
  2. The discovery cutoff shall be continued from February 3, 2020 to April 27, 2020 and the trial date shall be continued from June 1, 2020, to August 31, 2020; and
  3. The Court shall correspondingly issue a new case scheduling order reflecting these new deadlines and adjusting all other outstanding deadlines.

DATED this 15<sup>th</sup> day of January 2020.

Ricardo S. Martinez  
RICARDO S. MARTINEZ  
CHIEF UNITED STATES DISTRICT JUDGE